SUPREME COURT, U. S.

MAR 14 1967

JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1966

No. 1041

NEZ PERCE TRIBE OF INDIANS,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent

On Petition for Writ of Certiorari to the United States Court of Claims

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REPLY TO MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

The claim for interest is not premature. The Court of Claims discussed the issue at length and decided it, plainly regarding it as ripe for decision. The court did not make an award to petitioner in any certain amount, but it decided that the compensation paid to petitioner was unconscionable, leaving it to the Indian Claims Commission, on remand, to determine the precise amount of the recovery. An award in *some* amount will certainly follow and the interest question is as ripe as if the court had made an award of a sum certain. To hold the interest question premature, especially after it has been dis-

posed of by the Court of Claims, would be to promote uncertainty among the parties (hence interfere with settlement possibilities), and encourage multiplicity of litigation.

However, if this Court should decide the issue is premature, we ask that it so indicate in its order so as to leave petitioner without prejudice.

Respectfully submitted,

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